

Statement of the Case.

NORTHERN PACIFIC RAILROAD COMPANY v. O'BRIEN. Error to the Supreme Court of the State of Washington. No. 65. Argued November 9, 1894. — Decided November 12, 1894. THE CHIEF JUSTICE: This case falls within that just decided, and, for the reasons there given, the writ of error must be

Dismissed.

Mr. Reese H. Voorhees for the motion to dismiss.

Mr. A. H. Garland, with whom were *Mr. James McNaught* and *Mr. H. J. May*, opposing.

OLIN v. TIMKEN.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF OHIO.

No. 36. Argued October 12, 15, 1894. — Decided November 19, 1894.

The fifth claim in reissued letters patent No. 9542, granted January 25 1881, to Joseph Tilton and Rufus M. Stivers for a spring for vehicles, on the surrender of letters patent No. 157,430, dated December 1, 1874, is an expansion of the invention described in the original patent, and the reissue is thus invalidated.

Letters patent No. 197,689, granted November 27, 1877, to Henry Timken for improvement in carriage springs, are void for want of patentable novelty in the invention so patented.

Letters patent No. 239,850, granted April 5, 1881, to Cyrus W. Saladee for an improvement in spring-supports for vehicles, wagon-seats, etc., relate to a device which was anticipated by another invention made more than two years prior to the application for that patent, and reduced to practice prior to that application, and by other inventions named in the opinion of the court, and are void for want of patentable novelty.

THIS was a bill in equity, filed by Henry Timken in the Circuit Court of the United States for the Southern District of Ohio against Thomas D. Olin and Edwin D. Olin to restrain the infringement of three letters patent, namely, No. 197,689, granted to Henry Timken, November 27, 1877, for improvement in "carriage springs;" No. 239,850 to C. W. Saladee, April 5, 1881, for "road wagon;" reissue patent No. 9542,